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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/501,861	04/11/2005	Haruo Tsuchida	120478	6401

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EXAMINER

MCGRAW, TREVOR EDWIN

ART UNIT	PAPER NUMBER
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3752

MAIL DATE	DELIVERY MODE
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06/07/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/501,861

Applicant(s)

TSUCHIDA, HARUO

Examiner

Trevor McGraw

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-5 and 7-11 is/are rejected.
- 7) ☒ Claim(s) 6 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
- Paper No(s)/Mail Date 4/11/2005.

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5 and 7-11 rejected under 35 U.S.C. 102(b) as being anticipated by Tada et al. (US 5,706,984).

In regard to Claims 1, 2 and 7-11 Tada et al. (US 5,706,984) teaches a trigger type fluid dispenser having a body (14) which is provided with a discharge flow path (26-1) that discharges a fluid in a horizontal direction and has a cylinder (12-2) disposed in parallel with the discharge flow path (24-2,26-1) where a trigger (20) is held to be swingable (see arrow in Figure 3 below "20") with respect to the body (14) and a piston (22) slides reciprocally in the cylinder (12-2) in cooperation with the trigger (20) where the trigger (20) includes a hook portion (20-2) and an elastic portion (18) in which an extension portion (18-1) integrally extending from a swingable portion of the hook (20-1,20-1') is turned down and is held with respect to the body (14) and the tip end of the extension portion (18-1) is positioned and capable of coming into contact with the hook portion (20-2; See Figures 8A, 8B and 8C). Tada et al. also teaches where the trigger fluid dispenser has a cover (16) that is installed to the body (14) to form an internal space between the cover (16) and the discharge flow path (24-2,26-1) and the turned down portion of the trigger is held by the cover (16; See Figure 16)) where a spin

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element (24,42-8) is integral with the body (14) near the discharge port (24-2) of the discharge flow path (24-2,26-1) and the body integrally includes a connecting portion (34,34-1,36; See Figures 2 and 14) for connecting the body to a mouth of a container body (32). Tada et al. further teaches where the trigger (20) is arranged so that the elastic portion (20-2) is located on almost the same level as the discharge flow path (24-2, 26-2) and the elastic portion (18) is configured so that on one side of the turned down portion of the extension portion (18-1) a bent portion (see "18" in Figure 2) in which the extension portion (18-1) is bent in at least one place is provided and on the other side thereof (see top part of "18") and a wavy portion in which the extension portion is bent at a plurality of places is provided (see lower portion of "18") and the piston (22) has a holding pin (ball at end of piston "22"; see Figure 12) and the trigger (20) has an opening (20-3) has a diameter that is larger than the holding pin (42-4) and by inserting the holding pin (ball at end of piston "22"; see Figure 12) where the trigger (20) and piston (22) are operated in cooperation with each other.

In regard to Claims 3-5, Tada et al. additionally teaches where the trigger fluid dispenser has a discharge valve (44) that is opened by the push in action of the piston (22) to discharge a fluid in the discharge flow path to the outside and a suction valve (28) that is opened by the push back action of the piston to suck a fluid into the discharge flow path where the discharge and suction valves (44,28) are tongue shaped elements (see Figure 2) that are integral with a core element (40) that is inserted in the discharge flow path and the internal space where the discharge valve is located near a discharge port (24-2) of the discharge flow path (26-2) and the suction valve (28) is

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located in the internal space (see arrangement in Figure 3). The suction valve and discharge valve of Tada et al. are also located within the internal space as taught and described above (See Figure 3)

Allowable Subject Matter

Claim 6 is objected to as being dependent upon a rejected base claim, but appears to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

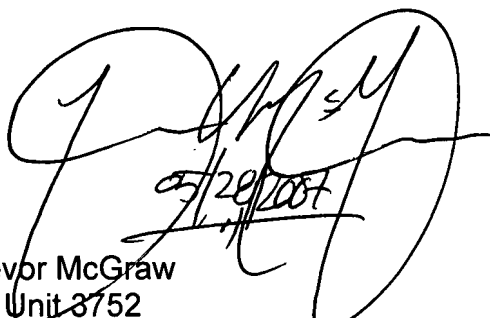
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Tada (US 5,839,621), Battezzato (US 5,156,304), Tsuchida et al. (US 6,267,271).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Trevor McGraw whose telephone number is (571) 272-7375. The examiner can normally be reached on Monday-Friday (2nd & 4th Friday Off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Shaver can be reached on (571) 272-4720. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Trevor McGraw
Art Unit 3752

TEM



KEVIN SHAVER
SUPERVISORY PATENT EXAMINER
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